

*Polit Govern*  
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P A R A L L E L

B E T W E E N

The English Constitution

A N D

The former Government of Sweden;

C O N T A I N I N G

Some Observations on the late Revolution in  
that Kingdom; and an Examination of the  
Causes that secure us against both Aristocracy,  
and absolute Monarchy.

By J. L. D L. LLD. *K*

— Regemque dedit qui FOEDERE CERTO  
Et premere, & laxas *posset* dare jussus habenas.

Virg. Æneid. L. 1.

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L O N D O N :

Sold by *v.* ALMON, Bookseller, in Piccadilly.

MDCCLXXII.

ERRATUM.

Pag. 15. Note (a) l. 3. for *Gothenberg*, read *Gothenburg*.



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## A PARALLEL, &c.

**T**HE late Revolution in Sweden is an event of such a nature as to rouse the most serious attention in all Men, who have the happiness of inhabiting a free Country. I have been, therefore, much pleased to see some of my worthy Countrymen, at the first news of it, immediately taking up their pens, and endeavouring to spread the alarm in the Nation. But, though I applaud their zeal, I do not however entirely admit their conclusions.

Those Writers, struck with the sight of a young King overturning, in a few days and without bloodshed, the Constitution of his Country, and freeing himself of the nume-

rous bounds that had been set to his authority, have enquired into the lawful and original prerogatives of the Monarch who had so easily performed such princely achievements; and finding those much inferior to the power of our king, they have been astonished at the thought how dangerous a thing a King is; and concluded that the Constitution of England, compared with the former Government of Sweden, was in a still more tottering condition.

This conclusion, I own, is obvious enough; but if, not stopping at the superficies of things, we examine somewhat closely into the nature of affairs and Men, we shall draw consequences altogether different: we shall convince ourselves, that our King's being vested with all the prerogatives the King of Sweden wanted to be really such, is precisely that which insures our liberty, and renders utterly impossible among us any such event as the late revolution in Sweden. But this, perhaps, requires some farther explanation.

Power,



Power (*a*), we must lay it down as a principle, Power, under any form of government, must exist somewhere. If the Constitution does not admit of a King, it will be trusted to several Magistrates; if the Government is of a monarchical form, those shares of power that are retrenched from the King will still subsist, and be lodged, for instance, in a Senate, as was the case in Sweden.

Thus, the King of Sweden had not, as our King has, the prerogative of convocating the States of the Kingdom; but the Senate was vested with it.

The King of Sweden had but a very limited power with respect to the conferring of offices; while our King has, in that re-

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(*a*) By the word *Power*, I mean here, and shall usually mean, not a subordinate and precarious power, as that, for instance, of a Minister; but that self-existing executive authority, for which he or they who possess it are only indebted to the Nation; and with respect to the use of it, are dependant on no individual.

spect, an unlimited prerogative. But what was wanting to the power of the Swedish King, the Senate had it: they had the nomination of the three persons, out of whom the King was obliged, by law, to elect one.

Our King has an unlimited right of pardoning offences; the King of Sweden had but a limited one: but the Senate likewise had what was wanting in the power of the King, and appointed two persons, without the advice of whom the King could not remit the punishment of any offence.

Our King has also an unlimited power in all that concerns foreign affairs, war, peace, treaties; in all that relates to the administration of the public revenue, as well as to military affairs; the disposition of the existing army, of the fleet, &c. The King of Sweden had no such extensive powers, but they nevertheless existed; every thing relating to the said objects was transacted in the assembly of the Senate; the majority decided there; the King was obliged to submit to it,  
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and his only privilege lay in his vote being accounted two (a).

If we follow the comparifon, we fhall fee that our King has the unlimited prero-

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(a) The Senate, in the latter times, was compofed of fixteen members. With regard to affairs of fmall moment, they formed themfelves in two divifions; in each of thefe, when they did fit, the prefence of feven members, at leaft, was required for the effectual tranfacting of bufinefs. In affairs of importance, the afsembly was formed of the whole Senate; and the prefence of ten members, at leaft, required to give force to the refolutions. When the King could not, or would not, take his feat in the afsembly, the Senate proceeded nevertheless, and the majority continued to be equally decifive.

The Royal Seal being neceffary for the putting in execution the refolutions of the Senate, the king Adolphus Frederic, father to the prefent King, tried whether, by his refufing to lend it, he could procure the power he had not by his fuffrage, and flop the proceedings of the Senate. Great debates, in confequence of that pretention, arofe and continued for a while: but at laft, in the year 1756, the King was overruled by the Senate; who ordered a feal to be made, that was named the *King's Seal*, which they affixed themfelves to their feveral refolutions, when the King refufed to affix his own. *Staatöverfaffung der heutigen vornehmften Europäifchen Reiche, im Grundriffe, von G. Achenwall. Göttingen, 1762.*

gative of appointing the members of his Privy Council ; and of chusing the persons who, under the name of Ministers, share, under his orders and during his pleasure, in the exercise of the executive power. The King of Sweden, on the contrary, could not raise whom he pleased to the office of a Senator ; and the States had reserved to themselves the prerogative, in case of vacancies in the Senate, to elect three persons, out of whom the King returned one.

Our King may strike whom he pleases out of the list of the Privy Council ; and, at all times, deprive his Ministers of their several employments. The King of Sweden could remove no Man from his office ; but the States had reserved to themselves the power that had been denied the King, and might deprive of their places the Senators ; or in general, the persons who had a share in the administration.

Our King has the power of dissolving, proroguing, or keeping assembled as long as he pleases, his Parliament. The King  
of



of Sweden had not that power; but the States might, of themselves, prolong their duration as they thought proper; or adjourn to the time they were pleased to prefix.

In fine, our King's assent is requisite to give the force of a law to any resolution agreed to by the two Houses; and it lies in his breast either to refuse or grant it. The States of Sweden, on the contrary, were independant in their resolutions; and the assent of any three of the four Orders that composed them, carried any proposition into law.

Persons who think that the number of the prerogatives of a King cannot be too much reduced, and that power loses all its influence on the heart of those who enjoy it, according to the manner in which it has been attained, and the name that has been affixed to it, will be satisfied, no doubt, to see the prerogatives that were taken from a King, distributed to several Bodies, and shared by the Representatives of the People.



People. But those who think that Power, when parcelled and diffused, never is so well repressed, as it is when confined to a sole indivisible seat, that keeps the Nation united and awake; who know that, names by no means altering the nature of things, the Representatives of the People, as soon as they are vested with an independant power, become, *ipso facto*, its Masters; those persons, I say, will think it no wise regulation in the former Constitution of Sweden, to have deprived the King of the prerogatives usually attached to his office, in order to vest them either in a Senate, or the Deputies of the People; and to have trusted with a share in Power, the very Men whose constitutional function was the repressing of it.

But, unhappily for what is called the former liberty of Sweden, there is no occasion, in the present case, for the discussion of that thesis. The Deputies of the Swedish Burghers, and those of the Peasants, to the States of the Kingdom, had but a very subordinate

ordinate share in the power, whatever it may have been of that Assembly.

They were very far from possessing the effectual privileges enjoyed by our Representatives in Parliament; who, as long as they continue to exist, form a compleat distinct Body; and, besides their exclusive right of moving any question with regard to the important object of the subsidies, may, upon every other object, take of themselves final and compleat resolutions, in which, till they propose them, the other two Powers of the Parliament have no right to interfere. The several Orders that composed the States of Sweden, according to a custom that was become a part of the Constitution, could of themselves set no subject in motion; and only could accept or refuse what was proposed to them by the Senate, or the different Committees. (a)

Now,

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(a) The Committees, in the Constitution of Sweden, or Deputations, as they called them, were lesser Assemblies formed by a number of Deputies from the four

Now, whoever will reflect, what different degrees of precaution and sagacity are to be expected from persons who themselves start out and discuss the questions, or who only determine from the disquisitions and canvassing of others ; with what indifference Men proceed when they have little hopes of modifying or improving, and only act a second part in affairs ; with what facility those who have assumed to themselves the privilege of proposing, may, by the choice of a favourable instant, and the skilful wording and framing of their propositions, lead

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Orders that composed the States. The functions of those Assemblies were to discuss the objects, give the form and set the clauses to the several propositions, or in general, frame the bills, that were to be presented to the States for their assent or dissent. Of those Committees, as many were formed as the States thought proper ; only that which was called the *Secret Committee*, existed of course, and formed as a standing Assembly as long as the States were sitting : to it was reserved all that belonged to the finances, the foreign affairs and state affairs. In all these several Committees, the Nobles, under the pretence of their superior number, had a number of Deputies double to that sent by the other Orders taken together. Achenwall.

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into decisive errors those who are merely to determine : whoever, in short, will reflect what difference there is between an *active* and a *passive* share in a Legislation, will confess that the latter having been the lot of the Deputies of the People in the States of Sweden, they had, in fact, little more than the appearance of a share in the power of their Assembly.

The essential part of the Legislative Power, in the States of Sweden, was vested in the Senate and the several Committees. And the Nobles always supplying, by virtue of their privilege, the new Members of the Senate, out of their own Body ; and having in the several Committees, as has been said above, a number of persons double to those appointed by the three other Orders, taken together, that is, a most decisive majority, may be said to have ingrossed all the real power of the States ; and seized, along with the privilege of proposing, the key of the Legislature.

It will be objected, I know, that the People in Sweden being divided in two parts, and their Representatives having, in consequence of that division, two votes in the Assembly of the States, while the Nobles had but one, a full compensation had been made them for the other disadvantages to which they were subjected.

But, in judging of the effects of the division in the Swedish People, let us take care not to fall into an error, common indeed to those who have written on politicks. Imagining that Governments subsist by the dint, and as it were, magical effect of an original convention made once for all, in their inquiries on the liberty of Nations, they never went farther than the perusal of the books in which the laws of those Nations were contained. Satisfied with the descriptions of Assemblies, enumerations of the rights of electing, assenting, and giving suffrages, they stopped there, and never inquired whether there existed not causes that took away the reality of those, of themselves useful, rights ;  
and



and insensibly warped all laws from their original spirit.

In our disquisitions on the liberty of a Nation, we must indeed pay a great attention to the description of the outward form of its Government ; but it is at the distribution of real power that has been introduced, we must chiefly look. Governments are the work of force : like the treaties between Princes, they only subsist by the continued effect and weight of force ; and it may be laid down as a maxim, that, in any shape of Government, whatever may be got on the side of form, never can compensate what is lost in point of real strength.

If, proceeding upon the above-mentioned principles, we examine what was the real influence of the several Orders that composed the States of Sweden, we shall find that notwithstanding the disadvantage of having but one vote, there was, in fact, an immense preponderance on the side of the Nobles.

Their

Their Body was formed of the Chiefs of all the noble families in the Kingdom, which amounted to two thousand two hundred and seventy-seven (*a*); and their number, when assembled together, was frequently much above one thousand. Without mentioning again their superiority in the several Committees, the Senate being always elected out of their own Body, they were enabled to look upon its extensive prerogatives as being, in a manner, theirs. In consequence of this, and of their filling all posts of command in the army, they had the intire disposal of all the military force in the State. And, by virtue of their excessive number, they united in themselves, or their families, a most considerable part of the property in the Kingdom, and almost the whole class of those

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(*a*) There were found, by an enumeration taken in the year 1755, eighty-six families of Earls, two hundred and thirty-seven of Barons, and one thousand nine hundred and fifty-four of Knights or Nobles. The Chief of each of those families, as is said above, had a seat in the Assembly of the States, and was allowed to take it at twenty-four years of age. Achenwall.

Men,

Men, who, whatever may be said on the original equality of Mankind, have, at all times, possessed the power of overawing and influencing those whom it most concerns to oppose them.

To counterbalance such a weighty and powerful Body, the Deputies of the Burghers, in the States of Sweden, only formed a Body of one hundred and thirteen, (a) and those, of the Peasants, another of one hundred and thirty-five Persons (b).

It will be said, I know, that the power and resources of a representative Assembly do not so much lay in themselves, as in the

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(a) According to the enumeration taken in the year 1755. Of those Deputies, Stockholm appointed ten; Gothenberg, three: the larger trading or inland Cities two; the lesser, one. Of other more inconsiderable places, two or three joined, to send one Deputy. Achenwall.

(b) According to an enumeration taken in the year 1755. The Deputies of the Peasants were elected by the several Places or Districts established in the Country, two or more of which joined to send one. These Deputies, as well as those of the Burghers and the Clergy, received a salary from their Constituents.

trust

trust and support of those who have constituted them. But it must be confessed at the same time, that a great proportion in the number of the Representatives, whilst it gives them a very useful sense of their immediate strength, is moreover highly conducive to insure them the respect, and with it the confidence of the People: a circumstance this, so important, that the least neglect in regard to it, may be looked upon as an essential vice in the Government.

But the division itself of the Swedish People, though it had been disguised under the appearance of a privilege, was by far the most essential of the disadvantages under which they laboured.

The confidence of the People, which, to carry along with it strength and effectual support, must be, as it were, whole, and directed to a sole Body, lost almost all its effect by being thus divided between two distinct Assemblies. And the heterogeneous Body of the Clergy being also introduced in the States, where it formed another Assembly



bly apart, by their sharing likewise for some part, in the confidence of the People, contributed still more to divide and enervate it (a).

The Deputies of the Swedish People, therefore, had indeed two votes in the Assembly of the States; but they wanted a reality of power that might enable them to assert and enforce these. They wanted the support of an united Nation; by the help of which, like our Representatives, they might at all times overawe the invaders of their liberties.

Frequently divided in their views, commonly mistrusting each other, and ever conscious of their respective weakness, the two Orders of the Swedish People were, at all times, easily over-ruled by an enterprising united Nobility, sensible of the full extent of their advantages; and the total exclusion of the Order of the Peasants from the Secret Committee, against which that

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(a) Their number was from 50 to 53.



Order never was able effectually to remonstrate; with the prerogative assumed by the Senate, of imposing taxes, under the pretence of cases of necessity, to which both popular Orders have peaceably submitted, sufficiently shew on what side lay the reality of power in the States of Sweden. (a)

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(a) If we take this occasion to look at home, we shall see with how much wisdom our Constitution has distributed and balanced the real power in the State.

On one hand is the King, who has for him the distribution, as well as the withdrawing, of all manner of offices and places; and with those prerogatives, the advantage of interesting so many persons in his fate. The intire disposal of all the forces that are standing and ready in the State. And the *naturalness* of the Royal title, for which all Nations in the world have at all times manifested a strong propensity.

On the other hand, are the Representatives of the Nation, who have the depositum *cum liberâ* of all the rights, and center within themselves the whole confidence, of the People. A dead, as I may call it, and only *virtual* force; but which, abuse and oppression instantly may convert into an effectual and formidable Power.

As for the Body of the Nobles, their power only having a relative utility, our Constitution has very wisely placed them in a state of real weakness; and that very circumstance makes them but the better to coincide with the essential end of their existence; which is alternatively to side with the two real Powers in the State.

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The Government of Sweden, therefore, because it had what they called a King, may have been mistaken for a monarchical one, by those who judge of things, from their outward appearance ; or for being popular, because even Peasants had a seeming share in it. But the executive and military Powers centering in the Nobles, with the reality of the legislative authority, it was merely aristocratical, consequently subject to all the evils that necessarily attend that sort of Government.

In consequence of such an union of the Executive Power, with the active part of the Legislative, that is, with the exclusive power of proposing laws and remedies, the whole force of Government becomes united with the only Power that might regulate and repress it. The Nobles, in their respective capacities, wink at each other's oppressions ; they wink likewise at the unjust exertions of the governing Power, because they are not exposed to them ; and, though the Legislators of the State, secure as they

are in their mutual protection, they little care about the enacting and enforcing of laws, and insuring the liberty of the Subject. Nay, they most carefully avoid doing it, too well knowing that the enacting and enforcing of good laws, and repressing the power of the Government, would be the abridging of their own. (a)

And not only the execution of the existing laws, but the Laws themselves become, in time, partial. All places of trust and profit are, at last, openly and expressly reserved to the Nobles. Thus, we see the Plebeians, at Rome, were excluded, for a long time, from all the important Magistracies in the Republick. At Venice and Genoa, all public employments are intire-

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(a) The Trial by a Jury, that mode of proceeding, the glory of our Law, which so effectually secures the Subject against the attempts of Power; and which, according to the opinion of the Learned among the Swedes, had its first origin in Sweden, has been abolished there, and is only preserved for affairs of small moment in some remote parts of the Country, where sets of Jurymen are established for life, and have a salary accordingly. *Robinson's State of Sweden* Chap. III.

ly confined to the Families that compose the Aristocratical Head of the State : and, without looking for more examples, the principal posts in the army or dignities in the State, and the important office of a Senator, were, in Sweden, reserved to the Nobles.

The weight of the impositions lays on the necessaries of life, consequently on the poorer part of the People. In schemes of public improvements, the estates of the Nobles are distinguished and favoured : they even bear but an unequal share in the burden of public taxes, as Mr. Marshall, in the relation of his travels, tells us was likewise the case in Sweden.

The Senate, however, that is the part of the Nobility who are vested with the actual exercise of Power, satisfied with the reality of its enjoyment, will perhaps, as indeed is the case in most Aristocracies, keep within the bounds of an outward moderation ; but the numerous Nobles who are told that they are the Masters of the State, determined to  
make



make amends to themselves for the want of present employment, and fearing lest their boasted prerogatives should degenerate to an empty name, are incessantly bent upon reminding the People of the distance that force has put between them; and the Subject, in such a State, has to bear both the weight of an oppressive Government, and the endless insolencies of a number of petty Tyrants he meets at every step.

Hence it follows, that whatever a set of Men may say, who, interested in the maintaining a present establishment, are incessantly branding Royalty with being, necessarily and of itself, the Government of Slavery, and crying up the Power of a few, as being, necessarily and of itself likewise, the liberty of all; and whatever, on the other hand, Strangers may think, who view things at a distance and judge of them from their books, the People themselves, who are better judges of their own situation, always held in the utmost detestation the Government of Nobles, and ever looked upon the overthrow



overthrow of it as the restoration of public liberty.

Hence the endless revolutions of the Greek and Sicilian Republics : the perpetual uneasiness of the Roman People, and the continual terrors of the Senate. Hence the facility with which the Kings of France have established their uncontrouled authority. Hence the revolution that, a century since, threw all the Government of Denmark into the hands of the King. Hence the late Revolution in Sweden.

BUT the English Constitution is founded upon intirely different principles. It has not made the King the servant and ostensible tool of an aristocratical Assembly : it has vested him with prerogatives that make him truly and really a King.

Our Nobles are not, under a disguised title, our Masters ; they are, to all intents and purposes, our fellow-subjects. All the executive and military Powers centering in the Crown, with a sufficient share of the legislative Power to protect these, our  
 Lords

Lords become merely intitled to respects and honours. Whatever may be their respective ranks, being absolutely destitute of active personal power (*a*), and enjoying none but what may be taken away at pleasure, mere atoms, in a word, when compared with the Crown, the only security they can hope for, is in the goodness of the laws, and the strict execution of them; and the *Habeas Corpus* Act, for instance, becomes as necessary to the noblest Duke, as to the meanest Subject.

Our Representatives, on the other hand, though enjoying equally with the Lords, the privilege, not only of enacting, but the invaluable one of proposing laws, while they feel all the weight of these, are equally

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(*a*) Our Lords have indeed a personal share in the legislative authority of their House, but that authority, besides its being under a check from the other House and the King, may, at every instant, vanish, in consequence of a prorogation or dissolution of the Parliament; and, which is more to our purpose, does not confer to them personally, or even to their Assembly, the least power of *execution*.

destitute

destitute of any share in their execution. Members of an Assembly that has but an uncertain existence, being moreover elected only for a time; taken, as it were, from the crowd, and without any mark of exterior dignity, they are still more destitute than the Lords of personal authority; and their sole shelter likewise is in the Laws, and in such Laws only as the People at large may be willing to support, that is, general and impartial ones.

In short, such is the happy consequence of rendering the Crown the sole *depositum*, the general and only self-existing seat of power in the Nation, that all Subjects, of whatever denomination, are actually brought to a level; a salutary jealousy of Power diffuses itself throughout all parts of the State; interest, that only sure ground of loyalty, interest ties the Legislators to the People; a sort of confederacy takes place amongst all Men of every rank and order; and instead, as in other States, of an apparent union, with a real though concealed division, we see, a-

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midst

midst the warmth of our oppositions, always existing among us a general union upon every immediate concern of public liberty.

To these causes we owe the happy difference between our Government, and those on the Continent which sprung from the same origin ; to these we owe the numerous laws that so anxiously provide for the safety of the Subject, and the steady and indiscriminate execution of them. For, believe me, though past ages and distant places may be boasted by Men misinformed, or determined to find fault with every thing at home, I have studied History, and seen most of the Republicks of Europe, and I do not hesitate to affirm that there is, or has been, no Government upon Earth where the property, and especially the person, of the Subject, is by far so secure as it is among us : there is none, where the People possess even a share of that our invaluable privilege, the touchstone of liberty, freedom of Speech.

And



And not only the form and real principles of the Government established among other Nations, whatever appearance of liberty they may carry with themselves, set a great difference between the shares of liberty those Nations did or do enjoy, and the English liberty; but even prevented their receiving any benefit from the revolutions that did happen; events which may be considered as a kind of eruption and crisis, to cure the superannuated maladies to which States are more or less exposed.

In States where the People never did experience the advantages of a real liberty, and the only remembrance may be that of public misery, they cannot possibly have an enlarged affection for any system of Government. Their propensity, if they have any, for one particular form in preference to another, is the mere effect of prepossession or uneasiness; and, their ideas never reaching beyond what immediately affects their senses, their only aim is change, not remedy.



If overwhelmed, for instance, under the oppressions of uncontrouled kingly power, they are easily taught that the evils of the State arise, not from the Power's being ill regulated, but from its being the King's. They, in consequence, readily concur in the destruction of the overgrown prerogatives of the Throne: but, imagining they have cured the disorder, because they have suppressed the symptom, they unconcerned see Nobles rising in lieu of the Despote; and sit down satisfied with thinking this Power annihilated, which is only disguised and transposed.

If, on the contrary, the National Object is to shake off an aristocratical yoke, the stings of private resentments joining with the sense of public oppression, the revolution is carried on with still more violence and commotion. The flame, as it were, bursts at once; the People only bent on the destruction [of prerogatives they detest, overturn every thing before them: they even trample upon the curtailed privileges they had been  
allowed

allowed to enjoy, as mere pieces of aristocratical trumpery ; and rush, without any previous compact, into the arms of an absolute Monarch, as into those of a public avenger.

Mean while, the more enlightened part of the Nation, wish perhaps that a medium may be kept between the expiring and the prevailing establishment ; but they have no precise notion how this may be carried into effect. *Ignoti nulla cupido*, they have no idea of, consequently no aim at, the happy regulation of Power that obtains among us ; and which, being familiar to us, we do not sufficiently admire. Their hasty and extempore schemes are obliged to vanish into ineffectual wishes : the hurry of the Revolution does not allow them even to express these ; and, urged by the sense of present danger, they hasten to side with the sudden Power they see carrying every thing before it.

In short, through the almost unavoidable effect of the ambition innate to human hearts,

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on one hand ; and the general, though almost irremediable ignorance of the People, on the other, we see, wherever we cast our eyes, revolutions always are, not what they solely ought to be, the repressing and regulating, but the mere shifting and transposing of Power. Sometimes, if you will, the Tyrant is killed ; but a Despote immediately arises in his stead. At other times, Aristocracy takes the place of what was then called tyranny ; and, at others, Democracy springs out ; which those who have attended to that sort of Government, know to be but a disguised, and the worst of Aristocracies.

If, confining our views to nearer places and more modern times, we cast our eyes on the neighbouring States on the Continent, we find that, whilst the ancient notions of the People, and with these the danger from an existing title, made it a point of necessity to keep up an appearance of Royalty, and though these States were consequently more or less within reach of that form of Government, that is alone productive

tive of true liberty, yet, through the effect of the above-mentioned causes, revolutions never were attended in them with any real provision for public Liberty. Sometimes, by the reducing of the Royal Dignity to a mere shadow, we see the State laid open to the inroads of the Nobles. Sometimes, by the overthrowing of these, every thing is brought under the sway of an uncontrouled King ; and those States present to us the spectacle of a continual fluctuation from established Aristocracy to absolute Monarchy.

If we look, for instance, into the History of Sweden, from whence it behoves us, in this case, to borrow our examples, we see, in the many conflicts for power that took place when their Government was as yet unsettled, the Nobles always assuming to themselves the prerogatives they were enabled to wrest from the Crown, till Gustavus Adolphus (a Prince who in the rapidity of his conquests, his pursuing them in vindication of oppressed liberty, and his mildness



ness in the midst of victory, is one of the greatest Heroes that History celebrates) recovered from the Nobles the authority of the Crown, and procured, indeed, the liberty of the King, but by no means that of the People.

At the time of the abdication of Queen Christina, daughter of that Prince, which abdication was not, on her part, intirely voluntary, the Nobles assumed again the power of the Government. But, in the year 1680, King Charles the eleventh overturned once more the power of the Senate and Nobles; and established the same form of Government, which has been lately re-established.

In the year 1720, that is after forty years, the Nobles profiting of the deep sense in the People of the miseries brought upon them by the folly of the late King Charles the twelfth, were again enabled to get uppermost, even confining more than ever the Royal authority, to the still greater increase  
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of their own; and established the form of Government we have described before.

But lastly, the present King has been able, in his turn, intirely to dispossess the Nobles, and transport once more on the side of the Crown the whole power of the Government. Having nothing more to do but to seize on prerogatives the Senate and Nobles had before ingrossed and accumulated, and to which they had accustomed and tamed the People, the King has been able with little effectual forces, by the lucky overthrow and as it were effected by surprize, of the Nobles, to render himself as absolute as any Monarch in Europe. (a)

But

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(a) The Swedes, accustomed to see their Deputies determining themselves upon nothing but what had been prepared, and proposed to them by the Senate or several Committees, have had no idea of refusing the King the same prerogative; and it has been made one of the articles that have been lately sworn to by the People, that the States could take nothing in their consideration but what the King should himself lay before them.

The Swedes accustomed to see the old taxes seldom abolished but by the creating of new ones, and the

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Senate

But if we examine our own History, we shall find that though revolutions (events which depending much on the temper of the times and the particular character of the Man who is vested with the sovereign power, our Constitution has not been able

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Senate exercising at times, under pretence of an urgent necessity, the prerogative of imposing these, have allowed similar prerogatives to subsist in the present establishment; and lest the King a power, which however mitigated in appearance by its being restrained to cases of necessity, being now united with the more firmly established authority of a Crown, will have the full effect of an unlimited one.

The Swedes, indeed, struck, as are all People in the World, with the outward appearance of things, have vindicated the right of having their States assembled every three years, and obtained that they should be allowed three months for sitting: but that Assembly now being destitute of the power both of proposing laws and refusing subsidies, is become a body without a soul; and the Swedish States have only been, and will be, preserved, to amuse the People with elections, and throw a veil over monarchical oppression, till they growing assuming and somewhat unruly, the Kings of Sweden, after the example of the King of France with his Parliaments, will intirely get rid of them.

at all times to prevent, much less so when it was in a state of imperfection), though, I say, revolutions have frequently taken place among us, the consequences they have produced have been intirely different from those they have produced in other Countries. And a close attention to the several transactions that accompanied them, will demonstrate to us the difference to be owing to the nature of our Government, which, instead of the empty while complicated privileges with which the People in States seemingly free are deceived, and what they at last disdain, insures an effectual liberty to the subject; and at the same time, is founded on the most obvious and natural principles.

On one side, is a King vested with every principle of active power, and, if I may so express myself, with all the *Execution* in the State. (a)

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(a) We have given, above, a description of the distribution of the *real power*, this is a description of the *form*, of our Government.

On the other side, are the Deputies of the bulk of the Nation, who, divested of all manner of *Execution*; but, at the same time, forming a compleat distinct Body, and enjoying within themselves every privilege conducive to the effectual exercise of their functions, speak and propose for all; and exchange subsidies for good laws.

In the middle, is a Body of Nobility, who, equally divested of any power of execution, and having but a secondary share in the confidence of the People, are enabled, as well as interested, by the help of an hereditary title and personal dignity, to keep the balance equal between King and People. An obvious and natural order, I said; but like the discovery of the New World, only so when it is once known, and for the attainment of which we are indebted to causes this is not the place to mention.

And not only the form of the English Government, makes it generally understood and known; but a long felt experience joins to endear it to the People. Though the  
different



different interests of parties, and the natural restlessness of Man, which wants employment, may sometimes magnify faults into crimes, temporary and perhaps unavoidable evils; into enormous abuses; truth, ever eloquent truth, points to them the flourishing condition of the State; their being, these many ages, utter strangers to what adversity is; and the liberty of the subject carried, among us, so much beyond what any other Nation ever did enjoy.

The deep sense of so many advantages concurring with their being the effect of a Constitution, whose striking form and obvious principles impress it in the minds of the People, there results, at last, such a deep-rooted love in the English for their Government, that no instances of the like are to be found in the History of other Nations. And the reverence, for instance, of the People of Rome for the name of *Cæsar*; that of the Greeks at Constantinople, for the *insignia imperii*; the veneration of the Turks for the Ottoman blood, or of any  
 People



People whatsoever for the best established title, when compared with the attachment the English have at all times manifested for the Government formed of King, Lords, and House of Commons, are found to have been but feeble prepossessions.

Hence it follows, that whenever revolutions have taken place among us, their only effect has been the ruin of some individuals, and the Constitution itself never underwent but temporary eclipses. Whatever may have been the pretensions or resources of the victorious, the People themselves, regardless of either success or title, and withholding all manner of allegiance, ever made the securing of public liberty, their first object of concern. For the Man vested with the power in being to meet the People in a legal Parliament, were the universally expressed vows; to *settle the Nation*, the general cry. An expressive word! as if till the restoration of the Government they understood and loved, the Nation had no rest

to

to expect, and its very existency was held in suspense.

They even took effectual steps for the insuring of the public safety. Different from other States where the People, in the general wreck of the Government, are, as it were, hurrying to and fro, without any manner of concert; or even throwing themselves headlong into the very evils they seem so eager to avoid; we see the English, actuated by the same views, always concurring to a same and universal object. Their antient rights and privileges were the general flag to which all did repair. Like a disciplined troop, where every Man has the knowledge of his own post as well as of the whole evolution, they ordered and gathered themselves into a regular array; selecting, from the middle of themselves, Representatives to whom they gave charge to propose and transact for all, and promises of deference and immediate protection.

The revolution thenceforth, which was every thing, the revolution was carried on  
with

with order ; and temporary evils now were to be compensated by lasting benefits. The voice of the numerous part of the Nation, who had honour, property, or industry to protect, when the uproar between clashing Powers did subside, now were to be heard ; and, instead of the dividing of the spoils of the State, and distributing of power among a few ambitious Leaders, the eternal ends, wherever we look, of public contentions, real and effectual provisions were to be made for the safety of the Subject.

The Representatives of the People, backed with the overawing weight and force of an united Nation, now were effectually to vindicate the rights and privileges of which they had been made the depositaries, (a) and to

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(a) The Order of the Burghers, and that of the Peasants, in the States of Sweden, unaccustomed to take resolutions of themselves and propose, and destitute of a powerful assistance from the People, never were in condition effectually to interpose in public contentions ; and that double disadvantage of their position, which we have described before, accounts for what at first excites our surprize, their insignificance in all Revolutions, and continual subserviency to the ambition of either the King or the Nobles.

set the bounds that were to confine the authority of the Monarch. But conscious, at the same time, of the conditionality of the trust that had been reposed in them, and debarred, from the prospect of a Throne surrounded by a jealous and numerous Nobility, of any hopes of arrogating to themselves a share in the power they were appointed to repress and regulate, they faithfully proceeded to insure the safety of those who had placed their trust in them; which was, in fact, but the insuring of their own.

The Nobility themselves, having, on the one hand, a People rendered respectable by their being represented and from whom they had no obedience to expect, on the other hand, a Monarch to whom was directed the tender of the general allegiance, the only view they had left, was to join in the securing of public liberty.

While careful to check the views of popular power, they were no less anxious to oppose every aim at an arbitrary authority in

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the



the Monarch. They zealously concurred in strengthening the bounds that were to confine prerogatives, the exertions of which they were immediately exposed to ; and sincerely betook to the inoffensive rights and common privileges, which, without taking from them the respect, intitled them in time to the assistance, of the People. Happier ! no doubt, to sit down with undisputed honours in the midst of their fellow-subjects, than to range over a crowd of terrified, but inveterate, enemies ; and to exchange odious prerogatives and unsafe power, for the inestimable blessings of security and freedom.

If all that I have hitherto said of the advantages resulting from the form and real principles of our Government, stood in the least need of proofs, I would only refer to the whole sequel of our History, and it would afford us a continual confirmation. However, in order to throw a farther light on the subject, I shall present a comparison between our two last Revolutions, and the two last changes that have happened in the  
Govern-



Government of Sweden; and the striking difference between the respective consequences that took place in the two Kingdoms, surely will leave no doubt as to the truth of the above observations.

Our last Revolution was that to which we owe our present establishment; it had for its object to repress the abuses of the royal power; and, by the setting aside of King James the second and his son, to establish a new line of succession. It therefore may, with exactness, be compared with the revolution that was effected in Sweden in the year 1720, when, after the death of King Charles the twelfth, the prerogatives of the Crown were reduced, and a new line of succession likewise established.

These two revolutions, I say, were similar in regard to their principle; and if we attend to what is most obvious in the circumstances that accompanied them, we shall find some differences, but such as surely will give no room to expect the difference in

the consequences which they 'produced in the end.

In Sweden, by the death of King Charles the twelfth, without male issue or heirs, the Crown returned to the States; but it was bestowed on the Sister of the late King, that is, on the person that came next after him in the order of succession. The settling of the Crown on that Princess and her descendants was, therefore, in great measure an affair of formality; and the Princess Ulrica and her husband having, in their assuming and enjoying the Crown of their deceased brother, no precise rivals to set and keep aside, lay under no great obligation to the Nobles who voted for them; and these had, it seems, no very advantageous opportunity for the gratifying of their ambition.

In England, on the contrary, when the Revolution in the year 1689, was effected, and the new line of succession established, the late King was still alive; he had a living Son; the persons who ascended the Throne,

according to all notions on that subject, had of themselves no manner of title to it; the situation of the Leaders who conferred the unexpected magnificent gift of a Crown, relatively to the persons who received it, was in appearance remarkably advantageous; and there were, it seems, no rewards the one were not enabled to ask, or the other in condition to refuse.

However, such was the effect of the causes we have mentioned above, that while among the Swedes we see the Legislature employing itself in settling in thirty-two articles the privileges of the Nobles, and these enabled in the end to assume to themselves the whole power of the Government; among the English, on the contrary, no manner of thought was taken about the prerogatives of individuals, and no provision made but what was to be equally enjoyed by the meanest Countryman, as well as the first Nobleman in the Kingdom.

Again, we may, with exactness, compare the revolution that produced the restoration  
of

of King Charles the second, with the late revolution that has taken place in Sweden. Both had for their object the shaking off an aristocratical yoke, and the re-establishment of the royal authority. Great differences, I know, are to be found in the exterior and most obvious circumstances that accompanied those two revolutions; but they are such as surely will, at first, induce us to judge the King of England to have been in a far more advantageous situation for the rendering himself absolute, than the King of Sweden; and all the danger to have laid on the side of English liberty.

The King of Sweden, at the time of the late Revolution, had recently confirmed by a solemn oath the Government he was attempting to overthrow; he attacked a Power in appearance firmly established, in the full exercise of its prerogatives, and disposing of almost all the forces that were ready in the State. The King himself had but a few soldiers under his command; and though he has succeeded in the end, he  
seems

seems, however, to have done but just what was necessary not to be himself overcome.

Charles the second, on the contrary, had taken no previous engagement that might obstruct his conduct, and was indeed by no means expected to respect the establishment he found existing; he met with no opponents in the Nation that durst shew themselves; and the power he was to suppress had, as it were, vanished amidst the uproar of popular love and acclamation. The army and fleet strove who should be foremost in throwing themselves into his arms; he was met at his landing by a part of the Nation with marks of fondness and applauses unprecedented in History; and the extravagancy of the universal joy was such as the remembrance of it has been preserved down to our times. In a word, if ever a Monarch seemed to bid fair for the setting himself above all manner of rule and controul, it was Charles the second, at the epoch of his restoration.

Yet,



Yet, such was, in this case likewise, the effect of the above-mentioned difference between the English and the Swedish Governments, that we see the Swedes, in consequence of their last revolution, have preserved nothing of their antient privileges but what may serve still more to insure their subjection ; the English, on the contrary, at the same time they restored the royal power, restored likewise all the former bounds that had been set to it ; and the revolution, tho' begun amidst confusion and shouts, being carried on and concluded with sedateness and order, the liberty of the subject received new degrees of extent as well as stability, and the Constitution was re-established upon all its ancient principles.

I have hitherto chiefly confined myself to the History of the Swedish People ; but if we cast our eyes on the Histories of other Nations, even of those whose Governments have being boasted as so many seats of liberty, they will supply us with examples and scenes exactly alike.

If,

If, setting aside the deception from the words *Republick*, *Assemblies of the People*, or even of *Peasants*, we examine into the fact, we shall see the liberty of the subject, reduced to a mere shadow, never to have extended beyond the appearance of the privileges they had the name of enjoying. If we examine into the cause, we shall see it always lay in the diffusion of the independent Power, and the intermingling and blending together of the qualities of Master with those of Subject, which, however disguised, ever obtained in those several Governments. An essential vice! by which the remedy itself being at last corrupted, the People never did shake off a present yoke, but to change it for another; and the only effects among them of revolutions, always were the exaltation of individuals; or, at most, patched Governments, which, labouring under the same defects with the former, always disappointed the Patriot, and deceived the People.

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But,

But, if we turn our eyes on our own History, we see, as early as our MAGNA CHARTA, that took care even of the instruments of the Slave and Bondman (*a*), down to our BILL OF RIGHTS, we see all our contentions, whatever may have been their several vicissitudes, ever ending in the universal and indiscriminate securing of the subject. A wonderful phænomenon! and which only could be the effect of a form of Government, the only one the goodness of which experience warrants and reflection can demonstrate, wherein Power, ever corrupting Power, is all thrown and sequestered on one side; and liberty, liberty alone, is left on the other.

That it is to such a cause, that is, to the indivisibility of the governing Power, and the community of interest it has introduced throughout all parts of the State, we owe the difference so remarkable, between the

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(*a*) Villanus amercietur salvo wainagio suo, si inciderit in manum nostram. *Mag. Char. Cap. XIV.*

Code of our Laws and those of other Nations, a short reflection on the frame of the human heart will soon satisfy us; unless we are determined to believe that partial Nature forms Men, in this blessed Island, of quite other stuff than the selfish and ambitious one, of which she ever made them in other Countries.

But, would to God that, the effect having always remained uniform, we had ever been in the happy impossibility of ascertaining the cause; and that the zeal of our Legislators for the general welfare of the People, never having suffered the least degree of remissness, conjectures on the reality of their disinterestedness and the true grounds of so laudable a conduct, might always have been regarded as the pastimes of too curious, or even malignant, inquirers.

But experience by no means allows of so pleasing an opinion of ourselves. The perusal of our History will shew us that the care of our Legislators for the welfare of the Subject, always kept pace with the exi-

gencies of their own safety. When, through the minority or weak temper of the reigning Prince, or other circumstances, the dread of a common Master ceased to operate, the public cause was immediately more or less deserted, and pursuit after power took the place of patriotism. When the Crown was for a while annihilated, those very Men who, till then, had spoken of nothing but Magna Charta and liberty, instantly aimed at trampling both under foot. (*a*)

If, descending lower into our History, we look from the Revolution down to our times, we shall find that the increase, from that epoch, of safety in our Legislators, has been very far from increasing their care for the happiness of the People. The great outlines of our Liberty, indeed have been

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(*a*) We may, with great exactness, apply to our History and Government what Virgil says of the Republick of the Bees,

— Rege incolumi, mens omnibus una est :  
 Amisso, rupere fidem ; constructaque mella  
 Diripuere, — Georg. L. iv, v. 212.

warmly



warmly and vigorously defended ; but many useful regulations have been omitted ; and we have seen whole Sessions wasted in contentions, at bottom, for places and a precarious power.

Time, and some other circumstances this is not the place to mention, having still more dispelled the ideas of danger, our Legislators have dared, at times, to separate their cause from the common cause of the People : lulled in the sense of present security, they have even ventured to dishonour our Code with oppressive, while partial, laws (*a*) ; and set, as it were, at defiance a class of their fellow-subjects, whose assistance, they thought, might for the present be dispensed with.

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(*a*) The abuses hinted here are especially the Game laws and their appendages, which, within this Century, have been carried to a deplorable length. The extension given to the power of the Justices of the Peace ; and the submitting to their jurisdiction a great number of cases that were, at Common Law, only cognizable by Juries.

These

These abuses, I know, as long as the foundations themselves of our Constitution remain unshaken, never can reach any dangerous length, and the remedy is always at hand. But, being at the same time, as many attempts, and as it were specimens, from an overwhelmed, it is true, but struggling Aristocracy, they strongly warn us of a danger, the greatest of all ! which our present safety makes us too apt to forget ; as well as remind us of the immense benefits we are indebted for, to the authority of the Crown ; and which we do not sufficiently acknowledge.

It is to the Crown, to its weight and indivisible authority, we owe the keeping down the hundred-headed Power that has laid Poland in ashes, and reduced the Swedes to desperation. To it we owe that all Men in the State, whatever may be their rank, or even actual authority, are forced to unite in a same common cause with the  
 People.

People (a). To it we owe the certainty of ever finding faithful Representatives, that is in synonymous terms, interested ones in the fulfilling of their duty (b). To it, in

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(a) The Minister himself, in consequence of the *inalienability* of the power of the Crown, is as much interested as any other Subject in the maintaining of the Laws and public liberty. He knows, in the midst of his schemes for preserving and enjoying his authority, that a Court-intrigue, or a caprice, at every instant may confound him with the crowd; and the rancour of a long opposed successor, send him to rot in the same jail he might be tempted to prepare for others.

(b) The Ministry indeed know how to make our Representatives overlook the defects of their administration; but whatever expedients they may make use of, they can only make them *amicos usque ad aras*, and whenever liberty is in the case, find them far less governable. Thus, the General Warrants have been voted illegal; the *Nullum Tempus* Act has been enacted; and the Royal Marriage Act (an Act which, if we examine it in cool blood, we shall not be over-ready to condemn) has raised a serious alarm and experienced the warmest opposition. These late tokens of patriotism demonstrate to us that our liberty has deeper roots than some people seem willing to believe; and the less they were expected from the virtue of our Legislators, the more they evince the resources of the Constitution.

fine,

fine, we are indebted for the irresistible force that insures the execution of universal Justice; and that our Great Men are, in fact, little Men, if we may so term a thorough subjection to the power of the Laws.

If, which may God avert, through some unforeseen revolution, we might be so unfortunate as to be brought to parcel a Power in whose indivisibility lies the safety of the State; to think of subjects regularly succeeding each other and independently of the will of the Prince, in places of power and public trust; to dream of *rotations* and such crude schemes of unwary Politicians, we should see ourselves, liberty ceasing with its cause, immediately falling into the same condition from which the Swedes have sought at any rate to extricate themselves; and Aristocracy, as it were watchful of the moment, bursting out at once, and spreading itself over the Kingdom.

The

The Men who now are the Ministers, then the partners of the King, instantly would set themselves above the reach of the law; and soon insure the same privilege to their several dependants.

Power being become the only security of which Men now would shew themselves ambitious, our *Habeas Corpus* Act, and in general the laws which all subjects, of every denomination, mention with tenderness, and to which they look for protection and safety, would now be spoken of with contempt, and treated as remedies only fit for Countrymen and Cits : it, even, would not be long before they were abolished, as obstructing the wise and salutary steps of the Senate.

The pretension of an equality of right in all Subjects, of whatever rank and order, to their property and to personal safety, would soon be looked upon as an old-fashioned exploded tenet, which the Judge himself would ridicule from the Bench.

H

And



And the liberty of the press, above all, now so warmly and universally vindicated, suddenly grown obnoxious, would immediately be suppressed, as only serving to keep up the insolency and pride of a refractory People.

And let us not believe that the mistaken People, whose Representatives we see making such a firm stand against the undivided power of a King, would, amidst the devastation of every thing they hold dear, easily find Men equally disposed to repress the encroaching, while communicable, power of a Senate and Body of Nobles. (a)

The

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(a) It was not, for instance, a difficult matter for a Man who had procured to himself an interest in the Nation, to gain admittance amongst the Swedish Nobles; and we see the Senate itself have been increased or reduced according to the number and power of the Contendents. In the year 1720, the Senate was composed of sixteen members, and in the year 1723, it was

The time would be no more when the People, upon whatever Men they let their choice fall, are sure to find them ready, sincerely and warmly to engage in their cause; and, even after accepting the wages of iniquity, still continuing their real friends.

Immediate, or expected, personal power and independence, now being the consequence of the trust of the People, wherever they should apply for servants, they would only meet with betrayers. Corrupting, as it were, every thing they should touch, their conferring favours upon any individual would be destroying his virtue; and, to speak in the words of *Monf. de Lolme*, from whose Account of the English Government I have borrowed

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was increased to twenty-four; in the year 1731, it was again reduced to sixteen; in the year 1734, it was increased to twenty; in the year 1756, it was once more reduced to sixteen, where it stood at the time of the late Revolution. *Achenwall*.

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many of my ideas and principles, " their  
 " raising a Man would be immediately  
 " giving him interests compleatly oppo-  
 " site to theirs, and sending him to join  
 " and increase the number of their ene-  
 " mies." (a)

All

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(a) " Le Peuple dans de tels Etats (*dans les Répub-  
 " liques*) se voit dans l'inévitable nécessité d'être trahi.  
 " Corrompant, pour ainsi dire, tout ce qu'il touche,  
 " il ne distingue un homme que pour attaquer sa ver-  
 " tu ; il ne l'élève que pour le perdre, & conséquem-  
 " ment s'affoiblir lui même. Que dis-je ! il lui donne  
 " des intérêts entièrement opposés aux siens, & l'envoie  
 " grossir le nombre de ses ennemis." CONSTITUTION  
 DE L'ANGLETERRE, Chap. XVI. *Autre désavantage  
 de la République.*

The defect expressed in those lines, and above, is es-  
 sentially inherent to the Republican Government, and  
 such as no precautions can obviate. Mr. Hume, in his  
 disquisitions on the Republican form, seems not to have  
 been aware of it : though so judicious an Observer, he  
 took it for granted that it was enough, in order to  
 constitute Representatives of the People, that the Peo-  
 ple, after electing them, should call them so ; and  
 only thought of calculating their number and exterior  
 functions. But a little more attention would have in-  
 formed him that the People never are represented, till  
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All these considerations strongly point out to us the real foundations as well as dangers of our liberty. Let, therefore, the less informed part of the People, whose zeal requires being kept up by visible objects, think the Crown the only seat of the evils they are exposed to: mistaken notions, on their part, are far less dangerous than political sloth and indiffe-

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the interest of their Representatives is identified with theirs; and if he had reflected that our Constitution has effected this, and made the safety of our Law-makers depending on the goodness of their laws, he would have looked no farther for the model of a *perfect Commonwealth*, and seen that what he was seeking on the foot-steps of Plato, was already at home.

Some abuses have, indeed, crept into our Legislation (see Note (a) p. 53), but a removal of the great check which is held over the class of Men that promoted them, is by no means the properest way either to prevent their increase, or suppress them. The remedy of these abuses, as well as of most of those which occasion our present complaints, lies in a final improvement still wanting in the *formal* part of our Constitution: an improvement absolutely necessary to render its effects adequate to its principles and true spirit; and which in latter times has been called for, though all its happy consequences have not been pointed at.

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rence, and they are more easily directed than roused. But, at the same time, let the more enlightened part of the Nation always remember that our Constitution only subsists by virtue of its equilibrium; by the thorough separation between Power and Liberty.

Made wise by the example of all the the other Nations in the world, by that of Sweden, by those with which our own History supplies us, in the heat of our struggles in the defence of liberty, let us always take heed, only to compleat, never to over-reach the end: only to repress, never to transpose and diffuse Power.

Amidst the alarms we may, at times, receive from the, indeed, awful authority of the Crown, let us, on one hand, remember that we opposed and subdued even the power of the Tudors (a);

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(a) Transmitted to the Stuarts.

and,

and, on the other, lay it down as a fundamental principle, that, whenever the possibility, and with it the views of attaining personal power and independence, shall take place among our Legislators, or the Men in general to whom we must trust, even Hope itself is destroyed. The Hollander, in the midst of a storm, though trusting still to the experienced strength of the mounds that protect him, shudders, no doubt, at the sight of the foaming Element that surrounds him ; but they all gave themselves for lost, when they thought the corroding worm had got into their dykes.

F I N I S.



